

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 97-155-T - ORDER NO. 97-913  
OCTOBER 23, 1997

IN RE: Proposed Rules and Regulations for the        ) ORDER  
          Transportation Department.                 ) PROMULGATING  
  ) REGULATIONS

This matter comes before the Public Service Commission of South Carolina (the Commission) for consideration of the new Transportation Regulations proposed by the Staff.

A public hearing was held on the matter on October 2, 1997 in the Commission's hearing room, with the Honorable Guy Butler, Chairman, presiding. F. David Butler, General Counsel represented the Staff, and presented the testimony of L. George Parker, Jr., Manager of the Transportation Department. Pat Carey of Carey Moving & Storage, Inc. testified in favor of the Regulations. All documents submitted to the State Register were submitted into the evidence of this case.

After due consideration, we hereby promulgate the Regulations proposed by the Staff and the testimony, with certain exceptions and clarifications as listed below. We believe that the Regulations, as amended, meet the criteria of need and reasonableness set out in S.C. Code Ann. Section 1-23-115(C)(1) through (11), except items (4) through (8). A further explanation of our application of these criteria to these amended regulations

will be given below.

First, it was proposed that our old Regulation No. 103-131 concerning appearance bonds be reinstated. The Regulation was eliminated some time ago, due to difficulties with administration. After due consideration, we do not believe that those difficulties have changed. Therefore, we decline to reinstate the Regulation.

Second, we believe that the liability insurance change recommendation for motor carriers of 10,000 or more pounds GVWR in Regulation 103-172 should not be adopted at this time. \$750,000 is consistent with the Federal requirement. If a carrier wishes to buy more insurance, he may certainly do so of his own volition. We do, however, adopt the recommended increase for motor carriers of less than 10,000 pounds GVWR in liability rates from \$300,000 to \$500,000 in coverage. There is no Federal standard for insurance limits for this size truck. However, we believe that an increase in liability limits for this category would be helpful in the protection of the public.

With regard to the proposal to increase the cargo insurance limits of Regulation 103-173 from \$2,500/\$5,000 to \$25,000/\$50,000, we decline to adopt the proposal at this time. The increase in premiums would be, in our opinion, a burden on the small operators. We therefore leave the limits as is. However, we do believe that Regulation 103-159 should be amended for carriers of household goods, to add a provision on the Bill of Lading whereby the Bill contains information about the base liability amount of the household goods carrier for its cargo. A

carrier must also make available to a shipper liability of a greater amount than the base amount, and must indicate what the cost of that would be, if so requested. A carrier must allow a shipper to acknowledge on the Bill of Lading or invoice the base amount of liability of the carrier, although a higher amount may be specified by the shipper.

Further, after due consideration, we adopt the following insurance limits for passengers carriers:

<u>Passengers</u>	<u>Limits</u>
1-7	25/50/10
8-15	25/100/10
16 or more	25/300/10

We believe that these limits will provide increased protection for passengers for a small increase in the carrier's premiums.

We also note that Staff had originally proposed to eliminate the occasional trip regulation, Regulation 103-121. In the hearing, Staff proposed to leave the regulation in place. We have considered this matter, and believe that Staff's original proposal to eliminate this Regulation should be adopted. We think that it lends itself to abuse by those who may actually be in the business of moving household goods, but who have not obtained a Certificate of Public Convenience and Necessity from this Commission.

In addition, the Department of Public Safety (DPS) is in the process of adopting the Safety and Interstate Registration Regulations that we propose eliminating from this Commission's Regulations. We have discovered that, at the time of the hearing in this matter, the Public Safety Regulations have passed the House

of Representatives, but have only had their first reading in the South Carolina Senate. It appears that the DPS Regulations will pass, but we do have a concern about eliminating our Safety and Interstate Registration Regulations without the DPS Regulations having fulling passed scrutiny with the South Carolina Legislature. Therefore, while we approve the elimination of these Regulations, we hereby make the elimination contingent on the passage of the DPS Regulations by the Legislature and implementation by DPS.

Finally, Staff had proposed eliminating the "two mile" radius presently found in Regulation 103-112. Since no legislation was passed changing the statute prescribing this requirement, we find that Regulation 103-112 should remain as is.

It should be noted that we considered the proposed amended Regulations with regard to the SC Code Ann. Section 1-23-115(C)(Supp. 1996) criteria. A full description of the Regulations, their purpose, and the legal authority for the Regulations was presented in the State Register. We believe that the promulgation of these Regulations is in the public interest. As for an implementation plan, we would propose to implement the Regulations as quickly as possible after approval by the General Assembly.

We believe that these changes are necessitated by the passage of new statutes affecting the Commission's duties with regard to motor carriers, and the pending possible duplication of this Commission's Regulations with those proposed by the Department of Public Safety. We do not think that implementation of these

Regulations will increase the cost to the State of South Carolina. Although passage would create some additional insurance costs for certain passenger and property carriers, we believe that the additional protection to the public provided by additional insurance coverage is appropriate.

Elimination of duplicating Regulations, and further clarification of the methodology of Commission enforcement of present law is, in our opinion, an appropriate policy that is carried out by promulgation of these Regulations, as amended above.

Finally, we do not believe that the passage of these Regulations, as amended, would have an adverse effect on the environment and/or public health.

We hold that the Regulations, as amended above, protect the rights of the public, as well as the rights of the transportation carriers using the Regulations.

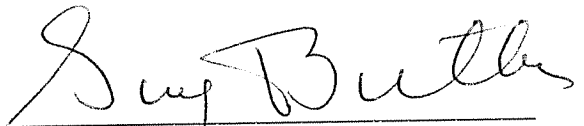
Accordingly, the Regulations as published pursuant to the records of the State Register are hereby promulgated, as amended and explained above. Staff has our permission to correct any technical or typographical errors that may be detected in the documents between now and the time that the documents are submitted to the General Assembly.

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This Order shall remain in full force and effect until further  
Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Deputy Executive Director  
(SEAL)